



# **ATHLETES' REPRESENTATIVES REGULATIONS**

*(In force from 1 November 2019)*



## Specific Definitions

The words and phrases used in these Regulations that are defined terms (denoted by initial capital letters) shall have the meanings specified in the 2019 Constitution (unless stated otherwise) and the General Definitions, or (in respect of the following words and phrases) the following meanings:

**Athlete Representative or AR:** A person who is duly authorised and registered as an AR in accordance with these AR Regulations.

**Authorisation:** The acceptance by a Member of a person's application for authorisation as an AR in compliance with the Member's regulations.

**Applicant:** A person who submits an application to a Member for authorisation as an AR in the form attached in Appendix 2.

**Member:** A national governing body for Athletics affiliated to World Athletics.

**Top-30 Athlete:** An athlete who is in World Athletics Top-30 List in a standard event as of the end of the calendar year.

**Recognition:** The recognition of an AR by a Member pursuant to the Member's regulations in order for the AR to be able to conduct their activities in the jurisdiction of that Member.

**Registration:** Notification to World Athletics by a Member in the form attached in Appendix 4 of any person whom the Member has authorised and registered as an AR in accordance with these AR Regulations, together with a list of the athletes the AR is to represent.

**Resident:** A person who has legal residence in a Country or Territory under applicable laws.

**Training Sessions:** Training sessions that are sanctioned or approved by World Athletics for the purposes of these AR Regulations.

## **1. Introduction**

- 1.1 These Athletes' Representatives Regulations (AR Regulations) are made pursuant to the Athletes' Representatives Rules concerning Athletes' Representatives (ARs). Taken together with the Application Form (at Appendix 2) and the Standard Athlete – ARs Agreement (at Appendix 3), these AR Regulations are designed to provide Member Federations with a basis for regulating the activities of ARs in accordance with their obligations under the Athletes' Representatives Rules.
- 1.2 The purposes of these AR Regulations are:
  - 1.2.1 to protect the personal interests of athletes and the general interests and reputation of Athletics as a whole;
  - 1.2.2 to ensure that ARs in Athletics are held to the highest possible ethical and professional standards;
  - 1.2.3 to strengthen the transparency and effectiveness of ARs' activities and their relations with Member Federations and other relevant bodies.
  - 1.2.4 Athletes' Representatives Rules and these AR Regulations contemplate that the regulation of ARs will be conducted at Member Federation level although it is intended that, if a particularly serious dispute develops between a Member Federation and an AR, this should be referred to World Athletics for mediation and, if need be, to the Court of Arbitration for Sport for a final and binding determination

## **2. Scope**

- 2.1 These AR Regulations establish the requirements relating to the activity of ARs. They are intended to establish a fair, harmonised, transparent and regulated system for ARs as well as ensuring a sufficient level of protection both for athletes using the services of ARs and for meeting organisers, sponsors, Members and others who may be required to deal with ARs as part of their activities.
- 2.2 These AR Regulations shall apply only to individuals representing athletes in World Athletics Top-30 List and to individuals representing athletes who are not in World Athletics Top-30 List but who nevertheless choose to use the services of an authorised AR. An athlete may be represented by only one authorised AR.
- 2.3 Members are required to implement and enforce these AR Regulations and may deviate from these AR Regulations only when their provisions do not comply with the laws applicable in the Country (or Territory) of the relevant Member. In establishing appropriate regulations to govern the activity of ARs in their respective Countries (or Territories), Members need to be satisfied that their system of regulation is in accordance with local legal requirements.
- 2.4 Members shall, in implementing these AR Regulations and otherwise regulating ARs, act reasonably and in good faith.

- 2.5 All Member regulations governing the activity of ARs must be registered with World Athletics Office in English or French.
- 2.6 Where appropriate, all references to the masculine gender in these Anti-Doping Regulations shall include references to the feminine and all references to the singular shall include references to the plural.

### **3. Eligibility**

- 3.1 To be eligible to become an AR, an applicant must:
- 3.1.1 be an individual (and not a company);
  - 3.1.2 have proper experience in Athletics;
  - 3.1.3 have integrity and good reputation;
  - 3.1.4 demonstrate sufficient education and knowledge of the activity of ARs; and
  - 3.1.5 not have been convicted of a criminal offence or anti-doping rule violation or have been declared bankrupt.
- 3.2 These eligibility requirements will be assessed by the relevant Member through the application and examination process set out below.

### **4. Application**

- 4.1 Any person who wants to act as an AR must complete the Application Form at Appendix 2 and forward it to the relevant Member, together with any references that may be required by the Member and such administrative fee as may reasonably be fixed by the Member. Each Member shall apply the same fee schedule for all of its Applicants.
- 4.2 The relevant Member for the purposes of Clause 4.1 above shall, at the choice of the Applicant, be any one or more of:
- 4.2.1 the Member to which an athlete whom the Applicant intends to represent is affiliated;
  - 4.2.2 the Member of the Country or Territory of which the Applicant is a Citizen;
  - 4.2.3 the Member of the Country or Territory of which the Applicant is a Resident.
- 4.3 By submitting an Application Form, an Applicant agrees to abide by the Rules and Regulations, as well as by the rules and regulations of the relevant Member.
- 4.4 The Application Form must be submitted in sufficient time for assessment by the Member and no later than 60 days before the date of the next examination (see Clause 5 below).
- 4.5 The Member shall be responsible for assessing whether an application satisfies all relevant requirements. In making its assessment, the Member may take into account

written representations that are made to it by any person who, in the Member's opinion, can reasonably judge the suitability of the Applicant, as well as any credible information that is at the Member's disposal relating to the Applicant. The Member may also contact World Athletics to obtain its views upon the record and suitability of an Applicant to act as an AR. The Member may further, in its discretion, request the Applicant to provide additional information and/or documentation relevant to their application, alternatively, request an interview with the Applicant. The Applicant shall be afforded an opportunity to respond to any third party information that is used by a Member to assess their application before any decision on the application is taken.

- 4.6 The Member shall inform the Applicant in writing as soon as practicable, and in any event within one month of receipt of the Application Form, whether their application meets all relevant requirements. If the application does meet all relevant requirements, unless the Applicant is exempt (see Clause 5.4 below), the Member shall require the Applicant to take an examination. If the application does not meet all relevant requirements, it shall be rejected. The Member shall give reasons for the rejection and the Applicant shall have the opportunity to respond to the Member's reasons.

## **5. Examination**

### **Nature and purpose of the examination**

- 5.1 The examination for approval as an authorised AR shall be a written examination requiring multiple choice answers.
- 5.2 The purpose of the examination is to:
- 5.2.1 assess the Applicant's ability to become an AR ensuring that he has sufficient education and knowledge to perform the activity of an AR in Athletics;
  - 5.2.2 test the Applicant's knowledge of the regulations of the relevant Member and the Regulations.
- 5.3 The content of the examination shall be prepared and approved by World Athletics.
- 5.4 Any person who has appeared as an authorized athletes' representative in World Athletics Directory of Athletes' Representatives for seven (7) of the twelve (12) years prior to 1 May 2011 shall be exempt from taking the initial examination provided that the person:
- 5.4.1 has never been declared or adjudged as a bankrupt in bankruptcy proceedings;
  - 5.4.2 has not been convicted of or pleaded guilty to a criminal offence other than minor traffic violations;
  - 5.4.3 has never committed a violation of the Anti-Doping Rules including those prohibiting the following: assisting, encouraging, aiding, abetting, covering up, or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation.

## Organization of Examination

- 5.5 Each Area Association is responsible for the organization of an AR examination under the direction and control of World Athletics.
- 5.6 Each Area Association shall organize an AR examination every two years unless otherwise decided by World Athletics. All examinations organized by an Area Association must take place on a single date as decided by World Athletics which date shall be notified by means of a circular to all Area Associations and Members.
- 5.7 If, for practical reasons, an Area Association cannot organize the examination, Applicants shall be allowed to take the examination organized by another Area Association.
- 5.8 Each Area Association which organizes the examination shall ensure that there are at least two persons available to act as supervisors as follows:
- 5.8.1 a Chairman appointed by the Area Association; and
- 5.8.2 an individual appointed by World Athletics.
- 5.9 The Chairman shall ensure the proper supervision of the examination in accordance with these Regulations. They may call upon such other supervisor or other person to assist them in their role as they deems to be appropriate.
- 5.10 Supervisors (and other persons appointed by the Chair under 5.9) are required to conduct themselves with the highest standard of integrity and honesty in fulfilling their duties. Any breach of conduct in this respect will result in their disqualification from acting. Any person directly or indirectly involved in the approval of an AR shall not act as a supervisor (or other person appointed by the Chair under 5.9).
- 5.11 The supervisors shall mark each Applicant's performance in the examination immediately after the examination has been completed. The Chairman shall certify the results before they are transmitted to the Area Association and World Athletics.

## Fees

- 5.12 Fees for the examination may be requested from each Applicant but only in order to cover the expenses for the organization of the examination. World Athletics reserves the right to review and determine the fees set for the examination of any Area Association.

## Rules applicable to the examination

- 5.13 At the time of the examination, the Applicant must confirm their identity by means of an acceptable form of identification (passport or national ID card).
- 5.14 Applicants shall be advised of the time limit to complete the examination before the examination commences.

- 5.15 The tests are individual and, accordingly, any communication between Applicants or with outsiders is forbidden. Any use of a document or any other source of information during the examination is strictly forbidden.
- 5.16 Any Applicant who fails to comply with the examination rules stipulated above risks exclusion from the examination. The relevant breach will be reported to the examination jury which, upon investigation, may nullify the result and report the matter to the relevant Member and World Athletics.

## **Results**

- 5.17 Any Applicant who has obtained the pass mark required is classified on the list of the successful Applicants. This list is sent to the relevant Member.
- 5.18 Any Applicant who has a mark less than the pass mark required is classified on the list of the failed Applicants. This list is sent to the relevant Member.
- 5.19 The results of the written examination are notified personally to each Applicant.
- 5.20 If an Applicant does not obtain the pass mark required, he may re-take the examination the next time that it is held.

## **6. Authorisation**

### **Issuing the Authorisation**

- 6.1 If the applicant successfully passes the written examination, the relevant Member shall require the Applicant to pay any applicable administration fee (which must be reasonable in amount) and:
- 6.1.1 to provide appropriate proof that he holds professional liability insurance in their own name for the period of the Authorisation with a recognised insurance company, preferably one based in the Country of which he is a Citizen, Resident or otherwise carries out their business. The insurance shall adequately cover any risks that may arise from an AR's activity and also cover any damages that may be incurred after the termination of an AR's activity but that were caused by such activity. It is the responsibility of the Member issuing the authorisation to check that the liability insurance complies with these requirements; or
- 6.1.2 to provide a bank guarantee for the period of the Authorisation from a reputable bank for a minimum amount of USD 30,000. The bank guarantee shall be accompanied by an irrevocable statement that the guaranteed amount shall be paid out unconditionally if a final judgment or decision is passed by a court or other relevant tribunal or authority in favour of an athlete, a Member, a meeting organiser or another AR who has suffered loss or damage as a result of the AR's activity.
- 6.2 Once the above requirements are satisfied, the relevant Member shall promptly notify the Applicant of their Authorisation by no later than 31 December of the year in which



the application was made. The Authorisation, once issued, is strictly personal to the AR concerned and cannot be assigned or transferred to any other person.

### **Registration**

- 6.3 Upon Authorisation, the relevant Member shall complete and issue the registration of the authorised AR in the form set out in Appendix 4.
- 6.4 Each Member is responsible for promptly notifying World Athletics of its registration of an authorised AR.
- 6.5 Each Member shall keep an up-to-date list of all registered ARs within its jurisdiction and shall immediately notify World Athletics of any changes to such list.
- 6.6 World Athletics shall maintain and publish annually a list of all ARs representing athletes in World Athletics Top-30 List who have been authorised or recognised by Members, together with the athletes they represent.

### **Duration**

- 6.7 Authorisations are granted to ARs for a period of 4 years and are effective from 1 January of the year following the issuing of the Authorisation and are subject to renewal in accordance with the provisions of Clause 6.9 below.

### **Termination**

- 6.8 An AR who decides to terminate their activity must provide written notification of such termination to the Member that issued their Authorisation. The relevant Member shall notify World Athletics of such termination without delay.

### **Renewal**

- 6.9 The Authorisation shall expire automatically on 31 December of the relevant year. If the AR thereafter wishes to renew their Authorisation, he shall be required to satisfy the following conditions:
  - 6.9.1 to complete and submit a new Application Form as set out at Appendix 2;
  - 6.9.2 to provide evidence of having attended at least 1 World Athletics authorised training session in
  - 6.9.3 the past 4 years;
  - 6.9.4 to confirm that they have an on-going professional liability insurance or bank guarantee in the form required in this Clause 6;
  - 6.9.5 to pay any administrative fee (which must be reasonable in amount);
  - 6.9.6 to satisfy any other reasonable condition as may be required by the relevant Member.
- 6.10 If the AR does not satisfy the requirements of Clause 6.9, their Authorisation shall automatically terminate upon expiry. An entirely new application must then be

submitted in accordance with these AR Regulations, including passing a new examination.

- 6.11 If the AR meets the deadline set out in Clause 6.9 above, the Member shall review the updated information, together with any other relevant factors, and decide within 30 days whether to renew the Authorisation for a further 4 years period, such renewal not to be unreasonably withheld. Members shall notify World Athletics in writing within 30 days of every decision that it takes to renew or refuse the renewal of an Authorisation and, in the case of a refusal, shall provide written reasons for such decision.

### **Revocation**

- 6.12 The Authorisation of an AR may be revoked at any time if the AR does not comply with their obligations in accordance with the Athletes' Representatives Rules, these AR Regulations, the agreement between AR and athlete or the agreement between AR and Member.
- 6.13 Where the Member seeks to terminate an AR's Authorisation, it shall give the AR notice of the reason or reasons why it wishes to do so. The AR shall be given the opportunity, whether orally or in writing, to give their views on the reasons for termination given by the Member. Having received those views, the Member shall consider them and, if it thinks appropriate, may revoke the AR's Authorisation or allow it to continue but subject to certain specified conditions.
- 6.14 If the Member revokes an AR's Authorisation, it shall report the revocation to World Athletics within 24 hours.

### **Recognition**

- 6.15 The Authorisation is strictly personal and non-transferable. It allows ARs to conduct their activities on a worldwide basis unless another Member specifically provides in its regulations that, in order for the AR to conduct their activities in the jurisdiction of that Member, the Authorisation must first be recognised by the Member. In such a case, the Member shall grant recognition to an AR upon their written request provided that it is satisfied that the AR fulfils the conditions and requirements set out in the Member's rules and regulations. By making a request for recognition by another Member, the AR agrees to abide by the rules and regulations of the relevant Member.
- 6.16 Members shall decide whether to grant recognition to an AR within three months of receiving the AR's written request together with all relevant evidence as may be required by the Member. Members shall notify World Athletics in writing within 30 days of every decision that it makes to grant, refuse or withdraw recognition of an AR and, in the case of a refusal or withdrawal of recognition, shall provide written reasons for such decision.
- 6.17 Recognition shall constitute an authorisation by a Member to carry out the activities of an AR in the Country or Territory of that Member or with respect to an athlete affiliated to that Member.

## 7. Rights and Obligations of an Athletes' Representative

### Rights

- 7.1 Upon being duly authorised by a Member, an AR has the right to represent athletes affiliated to that Member as well as the athletes of any other Member subject first to compliance with any recognition requirements as may be imposed by the other Member in accordance with Clause 6.15 above.
- 7.2 Upon the AR's request and payment of an annual fee determined by World Athletics, ARs are entitled to a World Athletics identity card that grants its holder:
- 7.2.1 the right to receive certain information from World Athletics;
  - 7.2.2 the right to accreditation at World Athletics Series (WAS) events; and
  - 7.2.3 the right to accommodation (at the AR's expense) in an official World Athletics hotel at WAS events.
- 7.3 The identity card is valid for the duration of the calendar year in which it is issued.
- 7.4 After the AR has been authorised and registered by a Member, they may add the following title to their name (as applicable): "AR authorised by [the name of the relevant Member]" and recognised by [the name of the relevant Member]".

### Obligations

- 7.5 An AR shall have the following obligations:
- 7.5.1 to enter into a written agreement with each athlete they represent in the form of the Standard Athlete/AR Agreement in Appendix 3. Amendments to the Standard Agreement may be agreed between the AR and the athlete provided that such amendments do not contravene the express provisions of Clauses 7 and 8 of these AR Regulations or the applicable governing law and that they are generally consistent with the intent of the Standard Agreement;
  - 7.5.2 to perform the services in the written agreement with reasonable skill and care;
  - 7.5.3 to be knowledgeable with regard to the Athletics calendar of competitions and to assist, together with the athlete's coach, club and Member Federation, in planning, arranging and negotiating the athlete's competition schedule;
  - 7.5.4 to act only with the athlete's express consent and to keep the athlete fully informed of all dealings or arrangements made on the athlete's behalf;
  - 7.5.5 to conduct himself in an ethical manner and to observe the highest standards of integrity and fair dealing;
  - 7.5.6 to avoid conflicts of interest, whether or not disclosed;

- 7.5.7 not to act for more than one party in any transaction without full disclosure to all parties;
- 7.5.8 to use best efforts to ensure that athletes they represent honour all agreements to participate in competitions;
- 7.5.9 not to take any steps to induce, or any steps which are intended to induce, an athlete to act in breach of a contract;
- 7.5.10 to comply with the Rules and Regulations and the rules and regulations of each Member that has authorised/recognised the AR;
- 7.5.11 to help ensure that the athlete complies with all applicable Rules on eligibility and, in particular, all Rules and Regulations concerning anti-doping and betting;
- 7.5.12 to represent the athlete in a manner that does not bring the sport or the athlete into disrepute;
- 7.5.13 not to enter the athlete in any competition that places the athlete in breach of their obligations in Clause 8.2 below;
- 7.5.14 to take all reasonable steps to collect or arrange for the collection of all fees negotiated by the AR on behalf of the athlete. The AR shall be obliged to take all such steps to ensure collection of fees but shall not be liable to the athlete if third parties fail to pay fees previously agreed with the AR;
- 7.5.15 to use all appropriate efforts to ensure that the athlete receives all taxation documents verifying the payment of any tax that has been deducted by the payor from any amounts paid to the athlete and, when, meeting organisers do not supply tax forms, to inform World Athletics to assist in ensuring appropriate tax certificates are provided by the meeting organisers.

## **8. Obligations of an Athlete**

- 8.1 An Athlete shall have the following obligations arising from their relationship with an AR:
- 8.2 to keep the AR fully informed of the athlete's competition schedule and, where appropriate, of any relevant financial and commercial interests;
- 8.3 to keep the AR and World Athletics upon request fully informed of the athlete's whereabouts;
- 8.4 to appear and compete at any and all competitions to which the athlete has been properly committed by the AR unless precluded from doing so by injury or by wholly exceptional circumstances;
- 8.5 to comply with all Rules and Regulations and with all rules and regulations of the athlete's Member Federation;

- 8.6 where an AR has negotiated for the athlete or the athlete has agreed to promote an event, to participate in all reasonable promotional efforts required by any agreement concluded between the athlete and the AR;
- 8.7 to pay any and all sums due under the Athlete/AR Agreement in a timely fashion and
- 8.8 not to employ, engage or permit any third party to act or hold themselves out as having authority to negotiate for the athlete with respect to matters covered by their agreement with an AR.
- 8.9 Unless authorised to do so by the athlete's Member Federation, the athlete shall not enter any competition that conflicts with any of the following competitions for which the athlete has been selected to compete by their Member Federation or National Olympic Committee: World Championships, Area or Regional Championships or Games, National Championships, World or Area Cups, and the Olympic Games.

## **9. Disputes**

### **Disputes between an AR and a Member Federation**

- 9.1 In the event of a dispute arising between an AR and a Member (other than arising from an alleged breach of these AR Regulations – see Clause 10 below), including but not limited to a dispute arising from a Member's rejection of an application to become an AR, the parties shall seek to resolve the dispute promptly through good faith negotiations.
- 9.2 If the dispute cannot be resolved through such negotiations, then the matter shall be referred to World Athletics Headquarters in Monaco for mediation. World Athletics will consult with both parties with a view to identifying the issues in dispute, facilitating discussions between them and proposing solutions to the dispute. The parties shall not be bound to accept the results of mediation.
- 9.3 If mediation does not resolve the matter, then any dispute remaining shall be referred to the ordinary arbitration division of the Court of Arbitration for Sport for determination. The CAS decision shall be final and binding on the parties.

### **Disputes between an Athlete and an AR**

- 9.4 In the event that a dispute arises between an AR and an athlete, it shall be resolved in accordance with the dispute resolution procedures set out in the agreement agreed between them.

## **10. Disciplinary Proceedings**

- 10.1 Any athlete or AR who is alleged to have contravened the Athletes' Representatives Rules or these AR Regulations shall be subject to the disciplinary procedures set out in the Disputes and Disciplinary Proceeding Rules.

### **Sanctions on ARs**

10.2 For the purposes of Rule 5 of the Disputes and Disciplinary Proceeding Rules, the Council has determined that the following sanctions may be imposed on an AR found to have been in violation of these AR Regulations:

- 10.2.1 reprimand or warning;
- 10.2.2 payment of a fine of at least USD 5,000;
- 10.2.3 suspension of an Authorisation for a period of up to twelve months;
- 10.2.4 withdrawal of an Authorisation;
- 10.2.5 revocation of an AR's recognition by the Member;
- 10.2.6 ineligibility from one or more competitions;
- 10.2.7 such other sanction as may be deemed to be appropriate in the particular circumstances.

These sanctions may be imposed separately or in combination.

10.3 All decisions taken by the Member shall be notified to World Athletics within 5 working days of the decision being made, together with the written reasons for the decision in English.

10.4 Final sanctions imposed on an AR in breach of these AR Regulations shall be published by the Member, including any change in status of the AR (suspension or withdrawal of an Authorisation and/or revocation of an AR's recognition).

### **Sanctions on Athletes**

10.5 For the purposes of Rule 5 of the Disputes and Disciplinary Proceeding Rules, the Council has determined that the following sanctions may be imposed on an athlete found to have been in violation of these AR Regulations:

- 10.5.1 a reprimand or warning;
- 10.5.2 a fine of at least USD5,000;
- 10.5.3 ineligibility from one or more competitions;
- 10.5.4 such other sanction as may be deemed to be appropriate in the particular circumstances.

These sanctions may be imposed separately or in combination.

10.6 All decisions taken by the Member shall be notified to World Athletics within 5 working days of the decision being made, together with the written reasons for the decision in English.

10.7 Final sanctions imposed on an athlete in breach of these AR Regulations shall be published by the Member.